IG REPRISAL ISSUES

Lt Col Cindi Ryan

IT'S THE LAW

- 10 USC 1034
- DOD D 7050.6 IMPLEMENTS THE LAW FOR DOD
- AFI 90-301 SEC 3(C) IMPLEMENTS THE LAW FOR AIR FORCE AND ANG

REPRISAL

TAKING OR THREATENING TO TAKE AN UNFAVORABLE PERSONNEL ACTION OR WITHHOLDING OR THREATENING TO WITHHOLD A FAVORABLE PERSONNEL ACTION FOR MAKING OR PREPARING TO MAKE A PROTECTED COMMUNICATION

ACID TEST

- PROTECTED DISCLOSURE
- ADVERSE PERSONNEL ACTION
- MANAGEMENT KNOWLEDGE OF DISCLOSURE (EVEN RUMOURS)
- APPARENT LINKAGE

PROTECTED DISCLOSURE

- TO CERTAIN PEOPLE – any lawful communication by member to Congress or IG regardless of subject
- ABOUT CERTAIN SUBJECTS – a subject the member reasonably believes evidences violation of law or reg, gross mismanagement of funds, abuse of authority made to IG or LE agent or any person authorized to take such complaints (this includes EO, IG CCs)

ADVERSE PERSONNEL ACTION

- THREATENED OR TAKEN
- IF CAN ADVERSELY AFFECT CAREER OR POSITION
- LIKE OPR COMMENTS, DISCIPLINARY ACTIONS, DECISIONS AFFECTING PAY AND BENEFITS
- BIG NO-NO – MENTAL HEALTH REFERRAL IF NO JUST CAUSE

WOULD YOU HAVE TAKEN ACTION ANYWAY?

- WHY DID YOU TAKE ACTION?
- DID “PUNISHMENT FIT CRIME”?
- CONSISTENT WITH SIMILAR ACTIONS TAKEN ON SIMILAR CASES?
- DID YOU *REALLY* DO IT FOR RIGHT REASON?
- PROCEDURAL CORRECTNESS – DID YOU FOLLOW THE DIRECTIVES?

DON'T

- PLAY FAVORITES
- TAMPER WITH INVESTIGATIONS
- IGNORE REGS OR LAWS
- MISUSE FUNDS
- TAKE IT PERSONALLY
- BE ARROGANT
- MESS WITH PROMOTIONS
- FRATERNIZE
- TAKE SPECIAL FAVORS
- GET REVENGE

COMMON PITFALLS

- FAILURE TO LET EXPERTS HANDLE ISSUES
- TAKING COMPLAINTS PERSONALLY – LET THE SYSTEM WORK
- FAVORITISM AND FAILING TO ABIDE BY THE “RULES”

QUESTIONS/COMMENTS / CONFUSION?